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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,576

04/20/2006

Yoon-Seob Eom

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EXAMINER

ALI, MOHAMMAD M

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

10/01/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,576	Applicant(s) EOM ET AL.	
	Examiner MOHAMMAD M. ALI	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/03/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Copp (US 3,309,889). Copp discloses a window type air conditioner comprising

A case of which one side (38) is positioned at an outdoor side and another side (28) is positioned at an indoor side; an axial fan (62) mounted in the case, for blowing air in a radius direction thereof; an outdoor heat exchanger (70) for heat-exchanging outdoor air blown by the axial fan; and a shroud (64) having the outdoor heat exchanger therein, for guiding the air blown by the axial fan (62), wherein an inclination surface is formed at an edge (See the inclination surface two ends of the fan blades of fan 62) in order to smoothly flow air introduced in a radius direction. See Fig 2, column 1, line 63 to column 2, line 57.

Regarding claim 2, orifice is mouth of the shroud in which the fan (62) and fan motor (66) is disposed.

Regarding claim 3, the orifice is on the front surface of the shroud (64) through which air is being sucked, after the bent air guide surface at the front mouth of the shroud (64), the horizontal lateral surface can be seen.

Regarding claims 4 and 7, the front guide surface and the lateral surface make a curve.

Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102 (b) as being anticipated by Bushnell ET al., (US 6,425,256 B1). Bushnell et al., disclose a window type air conditioner comprising

A case (16) of which one side is positioned at an outdoor side and another side is positioned at an indoor side; an axial fan (34) mounted in the case, for blowing air in a radius direction thereof; an outdoor heat exchanger (32) for heat-exchanging outdoor air blown by the axial fan (34); and a shroud (35) having the outdoor heat exchanger (32) therein, for guiding the air blown by the axial fan (34), wherein an inclination surface is formed at an edge (See the inclination on the surface of the shroud 35 in Fig. 12) in order to smoothly flow air introduced in a radius direction. See Fig s. 1 and 12, column 2, line 43 to column 3, line 57.

Regarding claim 2, orifice is (38).

Regarding claim 3, the orifice (38) is on the front surface of the shroud (35) through which air is being sucked, after the bent air guide surface at the front mouth of the shroud (35), the horizontal lateral surface can be seen.

Regarding claims 4 and 7, the front guide surface and the lateral surface make a curve.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Copp in view of Thomaschew (DE 2649016 A). Copp discloses the invention substantially as claimed as stated above except triangular shroud surfaces.

Thomaschew teaches the use of inclined triangular fan shroud (blower housing) See Fig. 3b and the abstract for the purpose of making the housing stronger and minimize noise. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fan shroud of Copp in view of Thomaschew such that the housing shape could provided with inclined triangular shape in order to make the housing stronger and minimize noise. Regarding chamfering, the desired shape can be made by any procedure.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bushnell et al., in view of Thomaschew (DE 2649016 A). Bushnell et al., disclose the invention substantially as claimed as stated above except triangular shroud surfaces. Thomaschew teaches the use of inclined triangular fan shroud (blower housing) See Fig. 3b and the abstract for the purpose of making the housing stronger and minimize noise. Therefore, it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to modify the fan shroud of Bushnell et al., in view of Thomaschew such that the housing shape could provided with inclined triangular shape in order to make the housing stronger and minimize noise. Regarding chamfering, the desired shape can be made by any procedure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD M. ALI whose telephone number is (571)272-4806. The examiner can normally be reached on maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4808. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mohammad M Ali/

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Primary Examiner, Art Unit 3744